HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NOs. 25704 of 2007

DATED: 13.12.2007

Between:

Gidithuri Parvathi

… Petitioner

and

The District Collector, Visakhapatnam and others

… Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 25704 of 2007

ORDER:

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In this writ petition, the petitioner seeks directions by way of Mandamus to declare the action of the respondents in not taking steps for correction of survey numbers in the notification issued by the 1st respondent under Section 22-A of the Registration Act, 1908 (for short 'the Act'), as illegal and arbitrary.

The petitioner is the owner of an extent of Ac 0.11 cents of land covered by Sy.Nos. 50/2 situated at Chittivalasa (Sangivalasa) Village, Bheemunipatnam Mandal, Visakhapatnam District. It is stated that the said land is a private patta land and after purchase by the petitioner, pattedar passbook and title deed also were issued in favour of the petitioner on 5.6.2002 vide patta No.408. When the petitioner approached the Sub-Registrar, Bheemunipatnam, to transfer the land in favour of the 3rd parties, there was an objection to accept the document for registration, on the ground that the land in question is notified by the District Collector under Section 22-A of the Act.

On noticing the same, the petitioner filed a representation before the Collector, Visakhapatnam and a report was called for,

from the MRO, Bheemunipatnam. In the report dated 25.3.2006 prepared in Rc.No.218/2006/C, it is clearly stated by MRO, Bheemunipatnam, that there was a typographical error that crept in while sending the proposals before issuance of notification under Section 22-A of the Act, by mentioning Sy.No.50/2 instead of 51/2.

At the stage of admission, when the matter has come up on 3.12.2007 and 10.12.2007, the matter was adjourned to enable the learned Government Pleader for Revenue to obtain instructions. On instructions, it is submitted by the learned Government Pleader appearing for the respondents that there was a mistake in notifying the land in Sy.No.50/2 instead of Sy.No.51/2, which is a 'Gedda Poramboke' of Sangivalasa Village, and as such, in view of the representation submitted by the petitioner, steps are being taken to rectify the misstate in the notification issued under Section 22-A of the Act.

The learned Government Pleader has also placed written instructions sent to him in Rc.No.218/2006/C, dated 3.12.2007, in which it was informed that steps have been taken for issuance of errata in this regard.

Though it is a mistake on the part of the respondents, in spite of the representation of the petitioner and the report of the MRO dated 25.3.2006 issued in Rc.No.218/2006/C, no steps have been taken so far, for issuance of an errata to the notification issued under Section 22-A of the Act.

Even it is stated in the representation given to the Collector that the proposal for sale was to meet medical expenses. For no

fault of the petitioner, the petitioner is made to suffer and in spite of the representation of the petitioner and report of the MRO dated 25.3.2006, which is nearly more than 1 ½ years, no steps have been taken.

In that view of the matter, this writ petition is disposed of directing the respondents to issue an errata to the notification issued under Section 22-A of the Act, by deleting the land of the petitioner covered by Sy.No.50/2 admeasuring Ac 0.11 cents within a period of six weeks from the date of receipt of a copy of this order. No costs.

R. SUBHASH REDDY,J

Date:13.12.2007
cvm